

**Response to Missing Requirements Under
35 USC § 371**

Attorney Docket No.: MAIWAM12.001APC
First Named Inventor: Frank Gindullis
Int'l Application No.: PCT/EP05/03063
US Application No.: 10/593,663
Entered National Phase: September 20, 2006
Title: METHOD FOR PRODUCING RECOMBINANT RNASE A

Direct all correspondence to Customer #

Date: September 30, 2008

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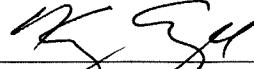
United States Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS WEB TRANSMISSION

I hereby certify that this correspondence, and any other attachment noted on the automated Acknowledgement Receipt, is being transmitted from within the Pacific Time zone to the Commissioner for Patents via the EFS Web server on:

September 30, 2008

(Date)



Kerry Taylor, Reg. No. 43,947

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated August 1, 2008.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 4 pages.
- (X) Power of attorney form and copy of assignment in 7 pages.
- (X) Fees will be paid via EFS Web. Extension of time is requested by payment of any extension fee.
- (X) The \$130 surcharge fee will be paid via EFS Web. Applicants note that the Notice of Missing Parts states that, in addition to the \$130 surcharge due, a \$520 claim fee is due. The Notice states that the \$520 claim fee is based on a calculation of \$150 due for 9 claims in excess of 20 and \$370 due for multiple dependent claims. Applicants respectfully submit that the \$520 claim fee is in error, and that no (\$0) claim fee is due. Applicants point to the Preliminary Amendment filed along with the national phase application on September 20, 2006. In the Preliminary Amendment of September 20, 2006, all multiple dependent claims were amended to remove multiple dependency. Accordingly, no multiple dependent claims are pending or were pending as of September 20, 2006. Therefore, no multiple dependent claim surcharge fee is due. Further, in view of the Preliminary Amendment filed September 20, 2006, the total number of pending claims as of September 20, 2006 is 26 claims. Applicants on September 20, 2006 filed a \$300 payment for the 6 total claims in excess of 20. Accordingly, no additional excess claims fee is due. Acknowledgement by the USPTO of the proper claims fee due as being \$0 is respectfully requested.

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The Commissioner is hereby authorized to charge any additional fees, including fees for extension of time, which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



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6010213-gem093008



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/593,663	Frank Gindullis	MAIWAM12.001APC
20995 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614		INTERNATIONAL APPLICATION NO. PCT/EP05/03063
	I.A. FILING DATE	PRIORITY DATE
	03/22/2005	03/22/2004

CONFIRMATION NO. 2802
371 FORMALITIES LETTER



OC000000031257178

Date Mailed: 08/01/2008

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 09/20/2006
- English Translation of the IA filed on 09/20/2006
- Copy of the International Search Report filed on 09/20/2006
- Copy of IPE Report filed on 09/20/2006
- Copy of Annexes to the IPE filed on 09/20/2006
- English Translation of Annexes to the IPE filed on 09/20/2006
- Preliminary Amendments filed on 09/20/2006
- Information Disclosure Statements filed on 09/20/2006
- Biochemical Sequence Listing filed on 09/20/2006
- Request for Immediate Examination filed on 09/20/2006
- U.S. Basic National Fees filed on 09/20/2006
- Non-English Language Application filed on 09/20/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$520** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of **\$130** for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$650** for a Large Entity:

- **\$130** Surcharge.

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Additionally the following defects have been observed:

- Annexes have not been entered because they're not a page for page substitution.

Total additional claim fee(s) for this application is \$520

- \$150 for 9 total claims over 20.
- \$370 for multiple dependent claim surcharge.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For PatentIn Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for PatentIn Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210